

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-347-C - ORDER NO. 2009-63  
FEBRUARY 11, 2009

IN RE:	Request of Richard Carraway to Change	)	ORDER GRANTING
	Service Provider from Verizon South, Inc. to	)	MOTION TO DISMISS
	Farmers Telephone Cooperative, Inc.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the motion of Farmers Telephone Cooperative, Inc. ("FTC") to dismiss the above-referenced complaint/request of Richard Carraway of Carraways Treasures & Collectibles ("Carraway").

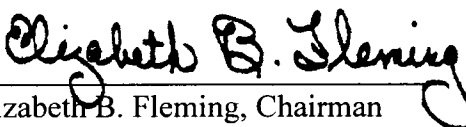
Carraway commenced this docket by filing a letter on September 4, 2008, seeking a change in service provider from Verizon South, Inc. ("Verizon") to FTC. Upon this filing, the Commission's Docketing Department issued and served a letter on September 15, 2008, to all parties of record. By this letter the parties were informed of the requirement, pursuant to 26 S.C. Code Ann. Regs. 103-845, of prefiling testimony in the proceeding and of the dates that such testimony would be due. According to the schedule established for testimony, Carraway's direct testimony was to be filed December 2, 2008, and any rebuttal testimony of Carraway was to be filed on or before December 23, 2008. The direct testimony of all other parties was to be filed December 16, 2008, with any surrebuttal testimony of the other parties being due on or before December 30, 2008. The record reveals that Carraway to date has submitted no testimony in this proceeding; however, FTC and Verizon both timely submitted their direct testimony.

On January 13, 2009, FTC moved to dismiss the complaint/request of Carraway on the grounds that Carraway had not filed direct or rebuttal testimony, notwithstanding the pre-filing of testimony on behalf of FTC and Verizon. FTC asserts that the request/complaint should be dismissed in that Carraway has failed to prefile testimony as aforementioned and thereby depriving FTC and other parties of record the opportunity to properly prepare for the presentation of their cases.

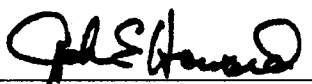
To date, Carraway has failed to prefile testimony and further has failed to file any response to the motion to dismiss of FTC. For Carraway's failure to comply with the Commission's testimony requirements and failure to file a response to the motion to dismiss, the Commission deems the motion unopposed and grants the relief sought. The complaint/request of Carraway is hereby dismissed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)